

State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

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June 3, 2003

The Honorable André Bauer
President of the Senate
State House, 1st Floor, East Wing
Columbia, South Carolina 29202

Mr. President and Members of the Senate:

I am hereby returning without my approval S. 334, R-93, a Joint Resolution:

TO PROVIDE THAT THE SCHOOL DAY MISSED ON AUGUST 9, 2002, BY THE STUDENTS OF TAMASSEE ELEMENTARY SCHOOL, TAMASSEE-SALEM MIDDLE SCHOOL, AND TAMASSEE-SALEM HIGH SCHOOL OF THE SCHOOL DISTRICT OF OCONEE COUNTY WHEN THE SCHOOLS WERE CLOSED DUE TO WATERLINE PROBLEMS IS EXEMPTED FROM THE MAKE-UP REQUIREMENT OF THE DEFINED MINIMUM PLAN THAT FULL SCHOOL DAYS MISSED DUE TO EXTREME WEATHER OR OTHER CIRCUMSTANCES BE MADE UP.


This veto is based upon my belief that S. 334, R-93 is unconstitutional.

Though well-intentioned as it might be, S. 334, R-93 is an example of specific legislation that has been enacted to address circumstances that could have been addressed by general legislation. The state constitution clearly prohibits the enactment of special legislation where a "general law can be made applicable." S.C. Const. Art. III, Section 34 (IX). The General Assembly could establish a general statute that sets forth the general types of events or occasions when missed school days may be exempted from the make-up requirement, and authorize school districts throughout the state to exercise discretion in granting such exemptions. The recurring nature of legislation like S. 334, R-93 demonstrates the policy basis for Article III, Section 34's directive that special legislation be avoided in all cases where general legislation can be enacted.

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In summary, I believe the specific nature of S. 334, R-93 renders this Act unconstitutional. For this reason, I am returning S. 334, R-93 to you without my signature.

Sincerely,



Mark Sanford
Governor